

Introduced by Senators Torlakson and Speier
(Coauthor: Assembly Member Levine)

February 20, 2004

An act to amend Sections 13352, 13352.4, 13352.5, 13352.6, 23538, and 23542 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1696, as introduced, Torlakson. Vehicles: driving under the influence: license restriction.

Existing law requires the Department of Motor Vehicles to immediately suspend, revoke, or record the court-administered suspension or revocation of, the privilege of any person to operate a motor vehicle upon receipt of an abstract of the record of any court showing that the person has been convicted of specified provisions prohibiting driving under the influence (DUI) prohibits the reinstatement of that privilege until the person gives proof of financial responsibility and proof satisfactory to the department of successful completion of a driving-under-the-influence program, as specified.

This bill would prohibit the reinstatement of DUI's driving privilege until the proof of successful completion of the driving-under-the-influence program has been received in the department's headquarters.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13352 of the Vehicle Code is amended
2 to read:

1 13352. (a) The department shall immediately suspend or
2 revoke, or record the court-administered suspension or revocation
3 of, the privilege of any person to operate a motor vehicle upon
4 receipt of an abstract of the record of any court showing that the
5 person has been convicted of a violation of Section 23152 or 23153
6 or subdivision (a) of Section 23109, or upon receipt of a report of
7 a judge of the juvenile court, a juvenile hearing officer, or a referee
8 of a juvenile court showing that the person has been found to have
9 committed a violation of Section 23152 or 23153 or subdivision
10 (a) of Section 23109. If any offense specified in this section occurs
11 in a vehicle defined in Section 15210, the suspension or revocation
12 specified below shall apply to the noncommercial driving
13 privilege. The commercial driving privilege shall be disqualified
14 as specified in Sections 15300 to 15302, inclusive. For the
15 purposes of this section, suspension or revocation shall be as
16 follows:

17 (1) Upon a conviction or finding of a violation of Section
18 23152 punishable under Section 23536, the privilege shall be
19 suspended for a period of six months. The privilege may not be
20 reinstated until the person gives proof of financial responsibility
21 and ~~gives until~~ proof satisfactory to the department of successful
22 completion of a driving-under-the-influence program licensed
23 pursuant to Section 11836 of the Health and Safety Code described
24 in subdivision (b) of Section 23538 *has been received in the*
25 *department's headquarters.*

26 Instead of suspending the person's driving privilege, the
27 department shall issue a restricted license upon receipt of an
28 abstract of record from the court certifying that the court has
29 granted probation to the person based on the conditions specified
30 in paragraph (2) of subdivision (a) of, and subdivision (b) of,
31 Section 23538.

32 (2) Upon a conviction or finding of a violation of Section
33 23153 punishable under Section 23554, the privilege shall be
34 suspended for a period of one year. The privilege may not be
35 reinstated until the person gives proof of financial responsibility
36 and ~~gives until~~ proof satisfactory to the department of successful
37 completion of a driving-under-the-influence program licensed
38 pursuant to Section 11836 of the Health and Safety Code as
39 described in Section 23556 *has been received in the department's*
40 *headquarters.*



(3) Except as provided in Section 13352.5, upon a conviction or finding of a violation of Section 23152 punishable under Section 23540, the privilege shall be suspended for two years. The privilege may not be reinstated until the person gives proof of financial responsibility and ~~gives until~~ proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in Section 23542 *has been received in the department's headquarters*. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. No credit shall be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after completion of 12 months of the suspension period, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) ~~The person has satisfactorily provided, subsequent~~ *Subsequent* to the current underlying conviction, *proof satisfactory to the department has been received in the department's headquarters* of either of the following:

(i) ~~Proof of enrollment~~ *Enrollment* in an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code.

(ii) ~~Proof of enrollment~~ *Enrollment* in a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(B) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (A).

(C) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (e) of Section 13386.

(D) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

(E) The person provides proof of financial responsibility, as defined in Section 16430.

(F) The person pays all administrative fees or reissue fees and any restriction fee required by the department.

1 (G) The restriction shall remain in effect for the period required
2 in subdivision (f) of Section 23575.

3 (4) Except as provided in this paragraph, upon a conviction or
4 finding of a violation of Section 23153 punishable under Section
5 23560, the privilege shall be revoked for a period of three years.
6 The privilege may not be reinstated until the person gives proof of
7 financial responsibility, and ~~the person gives~~ *until* proof
8 satisfactory to the department of successful completion of a
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code as described in Section 23562
11 *has been received in the department's headquarters*. For the
12 purposes of this paragraph, enrollment, participation, and
13 completion of an approved program shall be subsequent to the date
14 of the current violation. No credit shall be given to any program
15 activities completed prior to the date of the current violation. The
16 department shall advise the person that after the completion of 18
17 months of the revocation period, the person may apply to the
18 department for a restricted driver's license, subject to the
19 following conditions:

20 (A) The person has satisfactorily completed, subsequent to the
21 current underlying conviction, either of the following:

22 (i) An 18-month driving-under-the-influence program
23 licensed pursuant to Section 11836 of the Health and Safety Code.

24 (ii) The initial 18 months of a 30-month
25 driving-under-the-influence program licensed pursuant to Section
26 11836 of the Health and Safety Code, if available in the county of
27 the person's residence or employment, and the person agrees, as
28 a condition of the restriction, to continue satisfactory participation
29 in that 30-month program.

30 (B) The person submits the "Verification of Installation" form
31 described in paragraph (2) of subdivision (e) of Section 13386.

32 (C) The person agrees to maintain the ignition interlock device
33 as required under subdivision (g) of Section 23575.

34 (D) The person provides proof of financial responsibility, as
35 defined in Section 16430.

36 (E) The person pays all applicable reinstatement or reissue fees
37 and any restriction fee required by the department.

38 (F) The restriction shall remain in effect for the period required
39 in subdivision (f) of Section 23575.

(5) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23152 punishable under Section 23546, the privilege shall be revoked for a period of three years. The privilege shall not be reinstated until the person files proof of financial responsibility and ~~gives~~ *until* proof satisfactory to the department of successful completion of one of the following programs: an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code *has been received in the department's headquarters*. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. No credit shall be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after completion of 18 months of the revocation period, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) The person has satisfactorily completed, subsequent to the current underlying conviction, either of the following:

(i) An 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code.

(ii) The initial 18 months of a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment, and the person agrees, as a condition of the restriction, to continue satisfactory participation in the 30-month driving-under-the-influence program.

(B) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (e) of Section 13386.

(C) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

(D) The person provides proof of financial responsibility, as defined in Section 16430.

(E) Any individual convicted of a violation of Section 23152 punishable under Section 23546 may also, at any time after sentencing, petition the court for referral to an 18-month

1 driving-under-the-influence program licensed pursuant to Section
2 11836 of the Health and Safety Code, or, if available in the county
3 of the person's residence or employment, a 30-month
4 driving-under-the-influence program licensed pursuant to Section
5 11836 of the Health and Safety Code. Unless good cause is shown,
6 the court shall order the referral.

7 (F) The person pays all applicable reinstatement or reissue fees
8 and any restriction fee required by the department.

9 (G) The restriction shall remain in effect for the period required
10 in subdivision (f) of Section 23575.

11 (6) Except as provided in this paragraph, upon a conviction or
12 finding of a violation of Section 23153 punishable under Section
13 23566, the privilege shall be revoked for a period of five years. The
14 privilege may not be reinstated until the person gives proof of
15 financial responsibility and *until* proof satisfactory to the
16 department of successful completion of one of the following
17 programs: an 18-month driving-under-the-influence program
18 licensed pursuant to Section 11836 of the Health and Safety Code,
19 or, if available in the county of the person's residence or
20 employment, a 30-month driving-under-the-influence program
21 licensed pursuant to Section 11836 of the Health and Safety Code,
22 or a program specified in Section 8001 of the Penal Code *has been*
23 *received in the department's headquarters*. For the purposes of this
24 paragraph, enrollment, participation, and completion of an
25 approved program shall be subsequent to the date of the current
26 violation. No credit shall be given to any program activities
27 completed prior to the date of the current violation. The
28 department shall advise the person that after the completion of 30
29 months of the revocation period, the person may apply to the
30 department for a restricted driver's license, subject to the
31 following conditions:

32 (A) The person has satisfactorily completed, subsequent to the
33 current underlying conviction, either of the following:

34 (i) The initial 18 months of a 30-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code, if available in the county of
37 the person's residence or employment, and the person agrees, as
38 a condition of the restriction, to continue satisfactory participation
39 in the 30-month driving-under-the-influence program.

1 (ii) An 18-month driving-under-the-influence program
2 licensed pursuant to Section 11836 of the Health and Safety Code,
3 if a 30-month program is unavailable in the person's county of
4 residence or employment.

5 (B) The person submits the "Verification of Installation" form
6 described in paragraph (2) of subdivision (e) of Section 13386.

7 (C) The person agrees to maintain the ignition interlock device
8 as required under subdivision (g) of Section 23575.

9 (D) The person provides proof of financial responsibility, as
10 defined in Section 16430.

11 (E) Any individual convicted of a violation of Section 23153
12 punishable under Section 23566 may also, at any time after
13 sentencing, petition the court for referral to an 18-month
14 driving-under-the-influence program or, if available in the county
15 of the person's residence or employment, a 30-month program
16 licensed pursuant to Section 11836 of the Health and Safety Code.
17 Unless good cause is shown, the court shall order the referral.

18 (F) The person pays all applicable reinstatement or reissue fees
19 and any restriction fee required by the department.

20 (G) The restriction shall remain in effect for the period required
21 in subdivision (f) of Section 23575.

22 (7) Except as provided in this paragraph, upon a conviction or
23 finding of a violation of Section 23152 punishable under Section
24 23550 or 23550.5, or Section 23153 punishable under Section
25 23550.5 the privilege shall be revoked for a period of four years.
26 The privilege may not be reinstated until the person gives proof of
27 financial responsibility and *until* proof satisfactory to the
28 department of successful completion of one of the following
29 programs: an 18-month driving-under-the-influence program
30 licensed pursuant to Section 11836 of the Health and Safety Code,
31 or, if available in the county of the person's residence or
32 employment, a 30-month driving-under-the-influence program
33 licensed pursuant to Section 11836 of the Health and Safety Code,
34 or a program specified in Section 8001 of the Penal Code *has been*
35 *received in the department's headquarters*. For the purposes of this
36 paragraph, enrollment, participation, and completion of an
37 approved program shall be subsequent to the date of the current
38 violation. No credit shall be given to any program activities
39 completed prior to the date of the current violation. The
40 department shall advise the person that after the completion of 24

1 months of the revocation period, the person may apply to the
2 department for a restricted driver's license, subject to the
3 following conditions:

4 (A) The person has satisfactorily completed, subsequent to the
5 current underlying conviction, either of the following:

6 (i) An 18-month driving-under-the-influence program
7 licensed pursuant to Section 11836 of the Health and Safety Code.

8 (ii) The initial 18 months of a 30-month
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code, if available in the county of
11 the person's residence or employment, and the person agrees, as
12 a condition of the restriction, to continue satisfactory participation
13 in the 30-month driving-under-the-influence program.

14 (B) The person submits the "Verification of Installation" form
15 described in paragraph (2) of subdivision (e) of Section 13386.

16 (C) The person agrees to maintain the ignition interlock device
17 as required under subdivision (g) of Section 23575.

18 (D) The person provides proof of financial responsibility, as
19 defined in Section 16430.

20 (E) Any individual convicted of a violation of Section 23152
21 punishable under Section 23550 may also, at any time after
22 sentencing, petition the court for referral to an 18-month
23 driving-under-the-influence program or, if available in the county
24 of the person's residence or employment, a 30-month
25 driving-under-the-influence program licensed pursuant to Section
26 11836 of the Health and Safety Code. Unless good cause is shown,
27 the court shall order the referral.

28 (F) The person pays all applicable reinstatement or reissue fees
29 and any restriction fee required by the department.

30 (G) The restriction shall remain in effect for the period required
31 in subdivision (f) of Section 23575.

32 (8) Upon a conviction or finding of a violation of subdivision
33 (a) of Section 23109 punishable under subdivision (e) of that
34 section, the privilege shall be suspended for a period of 90 days to
35 six months, if and as ordered by the court.

36 (9) Upon a conviction or finding of a violation of subdivision
37 (a) of Section 23109 punishable under subdivision (f) of that
38 section, the privilege shall be suspended for a period of six months,
39 if the court orders the department to suspend the privilege. The

1 privilege may not be reinstated until the person gives proof of
2 financial responsibility.

3 (b) For the purpose of paragraphs (2) to (9), inclusive, of
4 subdivision (a), the finding of the juvenile court judge, the juvenile
5 hearing officer, or the referee of a juvenile court of a commission
6 of a violation of Section 23152 or 23153 or subdivision (a) of
7 Section 23109, as specified in subdivision (a) of this section, is a
8 conviction.

9 (c) Each judge of a juvenile court, juvenile hearing officer, or
10 referee of a juvenile court shall immediately report the findings
11 specified in subdivision (a) to the department.

12 (d) A conviction of an offense in any state, territory, or
13 possession of the United States, the District of Columbia, the
14 Commonwealth of Puerto Rico, or Canada that, if committed in
15 this state, would be a violation of Section 23152, is a conviction
16 of Section 23152 for purposes of this section, and a conviction of
17 an offense that, if committed in this state, would be a violation of
18 Section 23153, is a conviction of Section 23153 for purposes of
19 this section. The department shall suspend or revoke the privilege
20 to operate a motor vehicle pursuant to this section upon receiving
21 notice of that conviction.

22 (e) For the purposes of the restriction conditions specified in
23 paragraphs (3) to (7), inclusive, of subdivision (a), the department
24 shall terminate the restriction imposed pursuant to this section and
25 shall suspend or revoke the person's driving privilege upon receipt
26 of notification from the program that the person has failed to
27 comply with the program requirements. The person's driving
28 privilege shall remain suspended or revoked for the remaining
29 period of the originating suspension or revocation and until all
30 reinstatement requirements described in this section are met.

31 (f) For purposes of this section, completion of a program is the
32 following:

33 (1) Satisfactory completion of all program requirements
34 approved pursuant to program licensure, as evidenced by a
35 certificate of completion issued, under penalty of perjury, by the
36 licensed program.

37 (2) Certification, under penalty of perjury, by the director of a
38 program specified in Section 8001 of the Penal Code, that the
39 person has completed a program specified in Section 8001 of the
40 Penal Code.

1 SEC. 2. Section 13352.4 of the Vehicle Code is amended to
2 read:

3 13352.4. (a) The department shall require a person upon
4 whom the court has imposed the condition of probation required
5 by subdivision (b) of Section 23538 to ~~submit~~ *ensure that* proof of
6 the satisfactory completion of a driving-under-the-influence
7 program licensed pursuant to Section 11836 of the Health and
8 Safety Code or of a program defined in Section 8001 of the Penal
9 Code *is received in the department's headquarters*, within a time
10 period set by the department, beginning from the date of a
11 conviction or a finding by a court of a violation of Section 23152.

12 (b) The department shall suspend the privilege to drive of any
13 person who is not in compliance with subdivision (a).

14 (c) The department may suspend the privilege to drive of any
15 person for failure to file proof of financial responsibility when the
16 person has been ordered by the court to do so. The suspension shall
17 remain in effect until adequate proof of financial responsibility is
18 filed with the department by the person.

19 (d) The department shall not restore the privilege to operate a
20 motor vehicle after a suspension pursuant to subdivision (b) until
21 the department receives proof of the completion of a program
22 pursuant to subdivision (a) that the department finds satisfactory.

23 SEC. 3. Section 13352.5 of the Vehicle Code is amended to
24 read:

25 13352.5. (a) The department shall issue a restricted driver's
26 license to a person granted probation under the conditions
27 described in subdivision (b) of Section 23542, or to a person
28 described in subdivision (h), instead of suspending that person's
29 license, if ~~the person meets~~ all of the following requirements *have*
30 *been met*:

31 (1) ~~Submits proof~~ *Proof satisfactory to the department* of
32 enrollment in, or completion of, a driving-under-the-influence
33 program licensed pursuant to Section 11836 of the Health and
34 Safety Code, as described in paragraph (4) of subdivision (b) of
35 Section 23542 *has been received in the department's*
36 *headquarters*.

37 (2) ~~Submits~~ *The person submits* proof of financial
38 responsibility, as described in Section 16430.

39 (3) ~~Pays~~ *The person pays* all applicable reinstatement or
40 reissue fees and any restriction fee required by the department.

1 (b) The restriction of the driving privilege shall become
2 effective when the department receives all of the documents and
3 fees required under subdivision (a) and shall remain in effect for
4 the duration of the treatment program described in paragraph (4)
5 of subdivision (b) of Section 23542.

6 (c) The restriction of the driving privilege shall be limited to the
7 hours necessary for driving to and from the place of employment,
8 driving during the course of employment, and driving to and from
9 activities required in the treatment program.

10 (d) Whenever the driving privilege is restricted under this
11 section, proof of financial responsibility, as defined in Section
12 16430, shall be maintained for three years. If the person does not
13 maintain that proof of financial responsibility at any time during
14 the restriction, the driving privilege shall be suspended until proof
15 pursuant to Section 16484 is received by the department.

16 (e) The restriction imposed under this section may be removed
17 when ~~the person presents~~ evidence satisfactory to the department
18 that the person has completed a driving-under-the-influence
19 program licensed pursuant to Section 11836 of the Health and
20 Safety Code *has been received in the department's headquarters*.
21 For the purposes of this section, enrollment, participation, and
22 completion of an approved program shall be subsequent to the date
23 of the current violation. No credit may be given to any program
24 activities completed prior to the date of the current violation.

25 (f) The department shall immediately terminate the restriction
26 imposed pursuant to this section and shall suspend the privilege to
27 drive under paragraph (3) of subdivision (a) of Section 13352 upon
28 receipt of notification from the treatment program that the person
29 has failed to comply with the program requirements.

30 (g) Any person restricted pursuant to this section may apply to
31 the department for a restricted driver's license, subject to the
32 conditions specified in paragraph (3) of subdivision (a) of Section
33 13352. Whenever proof of financial responsibility has already
34 been provided and a restriction fee has been paid in compliance
35 with restrictions described in this section, and the offender
36 subsequently receives an ignition interlock device restriction
37 described in paragraph (3) of subdivision (a) of Section 13352, the
38 proof of financial responsibility period shall not be extended
39 beyond the previously established term and no additional
40 restriction fee shall be required.

(h) This section applies to a person who meets all of the following conditions:

(1) Has been convicted of a violation of Section 23152 that occurred on or before July 1, 1999, and is punishable under Section 23540, or former Section 23165.

(2) Was granted probation for the conviction subject to conditions imposed under subdivision (b) of Section 23542, or under subdivision (b) of former Section 23166.

(3) Is no longer subject to the probation described in paragraph (2).

(4) Has not completed the licensed driving-under-the-influence program under paragraph (3) of subdivision (a) of Section 13352 for reinstatement of the driving privilege.

(5) Has no violations in his or her driving record that would preclude issuance of a restricted driver's license.

SEC. 4. Section 13352.6 of the Vehicle Code is amended to read:

13352.6. (a) The department shall immediately suspend the driving privilege of any person who is 18 years of age or older and is convicted of a violation of Section 23140, upon receipt of a duly certified abstract of the record of any court showing that conviction. The privilege may not be reinstated until the person provides the department with proof, ~~satisfactory to the department~~, of financial responsibility and *until proof, satisfactory to the department*, of successful completion of a driving-under-the-influence program licensed under Section 11836 of the Health and Safety Code *has been received in the department's headquarters*. That attendance shall be as follows:

(1) If, within seven years of the current violation of Section 23140, the person has not been convicted of a separate violation of Section 23140, 23152, or 23153, or of Section 23103, with a plea of guilty under Section 23103.5, or of Section 655 of the Harbors and Navigation Code, or of Section 191.5 of, or paragraph (3) of subdivision (c) of Section 192 of, the Penal Code, the person shall complete, at a minimum, the education component of that licensed driving-under-the-influence program.

(2) If the person does not meet the requirements of paragraph (1), the person shall complete, at a minimum, the program

1 described in paragraph (1) of subdivision (c) of Section 11837 of
2 the Health and Safety Code.

3 (b) For the purposes of this section, enrollment, participation,
4 and completion of the program shall be subsequent to the date of
5 the current violation. No credit for enrollment, participation, or
6 completion may be given for any program activities completed
7 prior to the date of the current violation.

8 SEC. 5. Section 23538 of the Vehicle Code is amended to
9 read:

10 23538. (a) Except as provided in subdivision (d), if the court
11 grants probation to any person punished under Section 23536, in
12 addition to the provisions of Section 23600 and any other terms
13 and conditions imposed by the court, the court shall impose as a
14 condition of probation that the person be subject to one of the
15 following:

16 (1) Be confined in the county jail for at least 48 hours but not
17 more than six months, and pay a fine of at least three hundred
18 ninety dollars (\$390), but not more than one thousand dollars
19 (\$1,000). Except as provided in paragraph (2), the person's
20 privilege to operate a motor vehicle shall be suspended by the
21 Department of Motor Vehicles pursuant to paragraph (1) of
22 subdivision (a) of Section 13352. The court shall require the
23 person to surrender the driver's license to the court in accordance
24 with Section 13550.

25 (2) Pay a fine of at least three hundred ninety dollars (\$390) but
26 not more than one thousand dollars (\$1,000), and, if the person
27 gives proof of financial responsibility, as defined in Section
28 16430, to the Department of Motor Vehicles, have the privilege to
29 operate a motor vehicle restricted for 90 days to necessary travel
30 to and from that person's place of employment and to and from
31 participation in a program described in subdivision (b). If driving
32 a motor vehicle is necessary to perform the duties of the person's
33 employment, the restriction also shall allow the person to drive to
34 locations within the person's scope of employment. Whenever the
35 driving privilege is restricted pursuant to this paragraph, the
36 person shall maintain proof of financial responsibility for three
37 years.

38 (3) If the court elects to order a 90-day restriction as provided
39 for in paragraph (2), the court shall order and advise the person of
40 the following matters:

(A) If the person's privilege to operate a motor vehicle is suspended under Section 13353.2, the court-ordered restriction does not allow the person to operate a motor vehicle unless the suspension under Section 13353.2 has either been served to completion or set aside, and his or her license has been reinstated. The restriction of the driver's license described in paragraph (2) shall commence upon the reinstatement of the privilege to operate a motor vehicle.

(B) If a suspension was not imposed pursuant to Section 13353.2, the person shall be advised by the court that the person's driving privilege may be suspended by the department pursuant to subdivision (c) of Section 13352.4 until proof of financial responsibility is provided.

(b) In any county where the board of supervisors has approved, and the State Department of Alcohol and Drug Programs has licensed, a program or programs described in Section 11837.3 of the Health and Safety Code, the court shall also impose as a condition of probation that the driver shall enroll and participate in, and successfully complete a driving-under-the-influence program, licensed pursuant to Section 11836 of the Health and Safety Code, in the driver's county of residence or employment, as designated by the court.

(1) The court shall refer a first offender whose blood-alcohol concentration was less than 0.20 percent, by weight, to participate for at least three months or longer, as ordered by the court, in a licensed program that consists of at least 30 hours of program activities, including those education, group counseling, and individual interview sessions described in Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code.

(2) The court shall refer a first offender whose blood-alcohol concentration was 0.20 percent or more, by weight, or who refused to take a chemical test, to participate for at least six months or longer, as ordered by the court, in a licensed program that consists of at least 45 hours of program activities, including those education, group counseling, and individual interview sessions described in Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code.

(3) The court shall advise the person at the time of sentencing that the driving privilege shall not be restored until ~~the person has~~

1 ~~provided~~ proof satisfactory to the Department of Motor Vehicles
2 of successful completion of a driving-under-the-influence
3 program licensed pursuant to Section 11836 of the Health and
4 Safety Code *has been received in the department's headquarters*.

5 (c) (1) The court shall revoke the person's probation pursuant
6 to Section 23602, except for good cause shown, for the failure to
7 enroll in, participate in, or complete a program specified in
8 subdivision (b).

9 (2) The court, in establishing reporting requirements, shall
10 consult with the county alcohol program administrator. The
11 county alcohol program administrator shall coordinate the
12 reporting requirements with the department and with the State
13 Department of Alcohol and Drug Programs. That reporting shall
14 ensure that all persons who, after being ordered to attend and
15 complete a program, may be identified for either (A) failure to
16 enroll in, or failure to successfully complete, the program, or (B)
17 successful completion of the program as ordered.

18 (d) Notwithstanding subdivision (a), if the offense occurred in
19 a vehicle requiring a driver with a class A or class B driver's license
20 or with an endorsement specified in Section 15278, the court shall
21 upon conviction order the department to suspend the driver's
22 privilege pursuant to paragraph (1) of subdivision (a) of Section
23 13352.

24 SEC. 6. Section 23542 of the Vehicle Code is amended to
25 read:

26 23542. If the court grants probation to any person punished
27 under Section 23540, in addition to the provisions of Section
28 23600 and any other terms and conditions imposed by the court,
29 the court shall impose as conditions of probation that the person
30 be subject to either subdivision (a) or (b), as follows:

31 (a) Be confined in the county jail for at least 10 days but not
32 more than one year, and pay a fine of at least three hundred ninety
33 dollars (\$390), but not more than one thousand dollars (\$1,000).
34 The person's privilege to operate a motor vehicle shall be
35 suspended by the Department of Motor Vehicles pursuant to
36 paragraph (3) of subdivision (a) of Section 13352. The court shall
37 require the person to surrender the driver's license to the court in
38 accordance with Section 13550.

39 (b) All of the following:

1 (1) Be confined in the county jail for at least 96 hours, but not
2 more than one year. A sentence of 96 hours of confinement shall
3 be served in two increments consisting of a continuous 48 hours
4 each. The two 48-hour increments may be served
5 nonconsecutively.

6 (2) Pay a fine of at least three hundred ninety dollars (\$390), but
7 not more than one thousand dollars (\$1,000).

8 (3) Have the privilege to operate a motor vehicle be restricted
9 by the Department of Motor Vehicles pursuant to Section 13352.5.
10 Until all conditions prescribed in this section are met, the person's
11 driving privilege is suspended pursuant to paragraph (3) of
12 subdivision (a) of Section 13352. This paragraph does not apply
13 if the offense occurred in a vehicle requiring a driver with a class
14 A or class B driver's license or with an endorsement prescribed in
15 Section 15278.

16 (4) Either of the following:

17 (A) Enroll and participate, for at least 18 months subsequent to
18 the date of the underlying violation and in a manner satisfactory
19 to the court, in a driving-under-the-influence program licensed
20 pursuant to Section 11836 of the Health and Safety Code, as
21 designated by the court. The person shall complete the entire
22 program subsequent to, and shall not be given any credit for any
23 program activities completed prior to, the date of the current
24 violation. The program shall provide for persons who cannot
25 afford the program fee pursuant to paragraph (2) of subdivision (b)
26 of Section 11837.4 of the Health and Safety Code in order to
27 enable those persons to participate.

28 (B) Enroll and participate, for at least 30 months subsequent to
29 the date of the underlying violation and in a manner satisfactory
30 to the court, in a driving-under-the-influence program licensed
31 pursuant to Section 11836 of the Health and Safety Code. The
32 person shall complete the entire program subsequent to, and shall
33 not be given any credit for any program activities completed prior
34 to, the date of the current violation.

35 (c) The court shall advise the person at the time of sentencing
36 that the driving privilege shall not be restored until ~~the person has~~
37 ~~provided~~ proof satisfactory to the Department of Motor Vehicles
38 of successful completion of a driving-under-the-influence

- 1 program licensed pursuant to Section 11836 of the Health and
- 2 Safety Code *has been received in the department's headquarters.*

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